UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/1992/SR.18
4 May 1993

ENGLISH
Original: FRENCH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Seventh session

SUMMARY RECORD OF THE 18th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 7 December 1992, at 3 p.m.

Chairman: Mr. ALSTON

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GE.92-18820 (E)

The meeting was called to order at 3.25 p.m.

GENERAL DISCUSSION ON THE RIGHT TO TAKE PART IN CULTURAL LIFE AS RECOGNIZED IN ARTICLE 15 OF THE COVENANT (agenda item 6) (continued) (E/C.12/1992/WP.4)

1. The CHAIRMAN invited Mr. Konate to indicate the conclusions that emerged from the general discussion on the right to take part in cultural life, in his capacity as author of the paper which had served as a basis for that discussion.

2. Mr. KONATE thanked the various speakers for the observations and suggestions they had made in the course of the general discussion and regretted that several members had not been able to participate fully, since they did not have the text of the tentative analysis of article 15 in their working language. As a result of that shortcoming, the discussion on the question was entirely preliminary and it was therefore not possible to draw overall conclusions. Further, he had anticipated drawing on the contribution made by the experts to the discussion in order to identify more accurately the main features of the question under consideration and to incorporate conclusions and practical recommendations; he would be unable to do so since his mandate ended at the end of the session, unless the Committee invited him to continue to take part in the work on that issue.

3. The CHAIRMAN said that Mr. Konate's tentative analysis would be duly translated into the Committee's working languages. He suggested that the Committee should invite Mr. Konate to communicate to it any conclusions and recommendations he would wish to make on the question and then to publish the tentative analysis as a paper for general distribution so that all could refer to it in the future. If there was no objection, he would take it that the Committee decided to proceed in that way.

4. It was so decided.

5. The CHAIRMAN expressed the Committee's deep satisfaction at the work Mr. Konate had done on the question and said that the Committee had thus concluded the general debate on the right to take part in cultural life.

ORGANIZATION OF WORK (agenda item 2) (continued)

Preparation of a draft model outline for concluding observations

6. Mrs. JIMENEZ BUTRAGUEÑO said that she had understood that Mr. Wimer Zambrano had proposed that a member of the Committee should undertake to prepare a draft model for concluding observations. She would like to know exactly how matters stood.

7. The CHAIRMAN stated that Mr. Simma had offered to study the draft which had been prepared informally at the preceding session and to suggest some changes to it.

Hearing of non-governmental organizations

8. The CHAIRMAN invited the Committee to hear the representatives of two non-governmental organizations who would speak on matters within their sphere of competence on issues of concern to the work of the Committee.

9. Mrs. HAUSERMAN (International Association of Rights and Humanity) drew attention to the human dimensions of the AIDS epidemic and the policies adopted by States in that regard and said that the problem went far beyond the purview of discrimination against persons who were HIV-positive or suffering from AIDS. It had been proved that women were particularly vulnerable to the risk of infection because they belonged to economically and socially disadvantaged groups or did not enjoy proper legal protection or the same right as men and were vulnerable to pressure from their male partners, particularly if they provided them and their family with economic support. The public health measures introduced to protect the community against the disease for which there was still no treatment or cure were frequently discriminatory - in many cases, screening operations targeted in particular specific sectors of the population such as prostitutes and prisoners. Those had the effect of severely limiting the rights and freedoms of the individual, by demanding the isolation of persons who had tested positive without there being any proof that that could halt the contagion. In some countries they were even imprisoned and chained to walls, for fear of contagion. It was therefore important that any public health measures envisaged should avoid any discrimination and strike a balance between the objective to be achieved and the necessary limitation on individual rights and freedoms.

10. In view of the spread of AIDS and the extent of the human problems it raised, the International Association of Rights and Humanity had endeavoured to establish contact between public health officials, human rights advocates and organizations of people with HIV or AIDS from all over the world, in order to work out a consensus on the principles that should be applied, at the level of human rights, medical ethics and ethics of policy making, as well as the establishment of guidelines for the specific implementation of those principles. Those efforts had culminated in the adoption, at a meeting held in The Hague in 1991, of a Declaration of principle and a Charter setting forth the obligation of States, professional groups and communities. The two instruments, which had been introduced by the Gambian delegation to the Commission on Human Rights in 1992 and published in document E/CN.4/1992/82 would be of considerable relevance for the work of the Committee on Economic, Social and Cultural Rights.

11. At the same time, the International Association of Rights and Humanity had been working with the WHO, the United Nations Centre for Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to develop a better understanding of the particular problem of discrimination vis-à-vis persons infected by the HIV virus or AIDS. The Sub-Commission had requested, inter alia, the Association to cooperate with the Special Rapporteur which it had appointed on the question. For the first report prepared by him (E/CN.4/Sub.2/1991/10), the International Association of Rights and Humanity had tried to analyse the nature and causes of the

discrimination exercised against people with HIV and AIDS; it had observed that the discrimination against those people concealed age-old prejudices against prostitutes, homosexuals, drug users and even people of a different race, ethnic minorities and gypsies. There was even another population group which gave rise to discrimination unrelated to their behaviour. They were the persons who came into contact with people with HIV or AIDS - their partners or children - or who seemed suspect because of the fact that they lived in city neighbourhoods normally associated with homosexuality. Unless the problem of AIDS-related discrimination was tackled head on, people who were affected or at risk would be still more hesitant to apply for tests and care; that could only help to spread the disease. The Association had explored those matters for the activity report submitted by the Sub-Commission Special Rapporteur in 1992 (E/CN.4/Sub.2/1992/10). For the final report scheduled for 1993, it was endeavouring to take stock of the prevention strategies adopted by States, communities and health professionals throughout the world, in order to identify examples of good practice. She invited the members of the Committee to study those reports, which might suggest to them the advice that should be given to States parties to enable them to prevent any discrimination and, more generally, to protect the health of all.

12. Mrs. CHAPMAN (American Association for the Advancement of Science - AAAS) said that she was directing the AAAS programme on human rights and science and reported that the group of American scientists - sociologists, statisticians, etc. - which had been set up in the context of that programme to study economic, social and cultural rights, was currently working on three different projects. One was concerned with the social and economic indicators and their possible applications with a view to evaluating the situation of the various human rights, and the other two addressed the conceptualization and development of special indicators relating to the right to education, on one hand, and the right to health care, on the other. The Association had decided to confine itself to the study of the right to health care in order to avoid having to confront from the very beginning an issue as complex as that of the right to health, but also in the hope of being able to make a specific contribution to the important public debate taking place at the present time in the United States on the reform of the health care system. A certain number of questions had arisen from the work on which she invited the Committee to reflect so that her Association might be better able to assist the Committee in its task.

13. In general, the Association had noted that even before trying to develop indicators of any kind, it was critical to conceptualize the right to which they were to apply, that the effort to conceptualize required the participation of experts in the different areas covered, as well as that of lawyers, statisticians and social indicator specialists and, finally, that it was not an easy matter to develop a format in which all those specialists could work together. The Association had tried two formats: it had set up working groups on individual rights and it had organized a series of consultations enabling the different specialists to make their contribution while leaving the Association the task of synthesizing the work.

14. One of the conclusions that emerged from the work performed by the Association to date was that it would be extremely difficult to develop any indicators without a better knowledge of the use to which they would be put or

the nature and functions of the information management system in which they would be incorporated. In the case of the Committee, the primary goal of any information system would be to assist it in monitoring not only the implementation of all the economic, social and cultural rights by all States parties to the Covenant, but also to evaluate a particular country's performance in time in respect of one or more particular aspects. It was therefore clear how important it was to have time series data: as they did not yet exist, the point at issue was how to construct them. It was also important to delimit the complexity of the reporting system by deciding what could realistically be expected of a country that reported every five years on the progress achieved on each article of Covenant and how much data the members of the Committee could realistically absorb, analyse and evaluate.

15. The Association had also realized, while working on the right to education, the importance of decompartmentalizing data. In most countries, the progress recorded in the effective enjoyment of economic, social and cultural rights was very uneven, according to the area under consideration, either because of historical disparities or governmental policies that tended to favour certain groups. It was therefore important for the Committee to have disaggregated data before it to enable it to monitor effectively the situation of vulnerable or disadvantaged groups. However, in most countries, the data collected might be broken down by geographical region or by (rural/urban) zone, but rarely by ethnic or linguistic group or social group. Sometimes the Government objected to the disaggregation of data relating to the most disadvantaged groups. Consequently, if the social and economic data provided by States parties was to be useful for it, the Committee might do well to formulate, if it had not already done so, guidelines concerning the decompartmentalization of those data.

16. With regard to the coverage of the data provided by Governments, she drew the Committee's attention to the role which non-governmental organizations could play by offering the Committee their view on the quality of existing data and indicating those spheres on which the Government of their country had not reported and for which data were in fact available. Obviously, the non-governmental organizations would have to have access to the report prepared by the Government at the time when it was submitted and prior to its consideration by the Committee. She would like to have some clarifications on the Committee's policy on such participation by those organizations. She also indicated that numerous NGOs which did not receive the reports of the Committee on a regular basis would like, after each Committee session, a summary of its work. In the past, the Committee had considered publishing information brochures. Such brochures, which would, for instance, indicate the dates on which the reports of States were scheduled for presentation and the arrangements whereby the NGOs could have access to the data would enable them to make a much more useful contribution to the Committee's work.

17. Similarly, many NGOs would like to be able to use the data of certain specialized agencies in order to evaluate the human rights performance of their own countries (for example, by using UNESCO data to evaluate achievements in respect of the right to education). Although the reports of the specialized agencies were often available, some NGOs did not know how to order them or did not have the necessary resources to do so. Electronic mail would greatly simplify participation by those NGOs.

18. The American Association for the Advancement of Science was also endeavouring to help various human rights advocates to computerize and to use electronic mail systems. The utilization of those technologies could in fact make it possible to establish a broad human rights community in which the participation of the various agencies for the defence of human rights in the work of the Committee would not require their presence at meetings. Should the Committee decide to computerize its own data files and to communicate its reports and findings by electronic mail, the AAAS would be happy to put its resources and the services of its experts at the disposal of the Committee.

19. Replying to a question by Mr. Simma, she said that she would participate in the seminar on economic and social indicators scheduled for January 1993.

20. The CHAIRMAN thanked Mrs. Chapman.

PREPARATORY ACTIVITIES RELATING TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 7) (continued) (E/CN.12/1992/WP.13)

21. The CHAIRMAN proposed that the draft statement for submission to the World Conference on Human Rights on behalf of the Committee, the text of which had been prepared by himself and just distributed, should be considered. He recalled that at the 10th meeting, it had been decided that the Committee would submit a statement in due form to the World Conference, through the intermediary of the Preparatory Committee scheduled to meet in March 1993. The statement should be worded as forcefully as possible, since the Committee was the only United Nations body that defended economic, social and cultural rights.

22. Before the Committee moved on to consider the draft statement paragraph by paragraph, he called on members to make any general observation to which the document or the procedure envisaged gave rise.

23. Mr. WIMER ZAMBRANO said that the other Spanish-speaking members of the Committee and himself had agreed not to interrupt the substantive consideration of the draft statement for purely grammatical or stylistic considerations. They would agree on the amendments of form to be made to the Spanish-language version and would communicate the text to the secretariat. The other members of the Committee might also adopt that procedure.

24. Mr. MARCHAN ROMERO pointed out that the document under review was a draft statement by the Committee. However, in a number of places, the Committee did not take a position. In the last sentence of paragraph 1, for instance, instead of stating that the debates clearly showed, a formulation along the lines of "the Committee reaffirms its conviction" should be adopted.

25. The CHAIRMAN said that he had hesitated about adopting that kind of wording but was prepared to do so. If the members were in agreement, he would insert wording such as "the Committee affirms", "the Committee considers", etc., in various places in the final version.

26. Mr. NENEMAN commented that in a number of places, in paragraphs 5 and 7 for instance, reference was made to "economic and social right" whereas "economic, social and cultural rights" should be used at all times.

27. The CHAIRMAN said that he would ensure that the necessary changes were made to the text as a whole. He invited the Committee to consider the draft paragraph by paragraph.

Paragraph 1

28. Mr. SIMMA proposed that in the tenth and fifteenth lines of the English text the word "sets" should be replaced by the word "categories", which seemed to him to be more appropriate.

29. The CHAIRMAN agreed to that amendment.

Paragraph 2

30. Mr. MARCHAN ROMERO, referring to the Spanish text, said that in the second sentence of paragraph 2 the wording adopted (dar mayor fundamento al principio de la indivisibilidad) created uncertainty. In his opinion, the principle of the indivisibility of both categories of human rights was established. What were needed were ways and means of implementing that principle in practice. It would therefore be appropriate to replace that clause by the words aplicar el principio de la indivisibilidad.

31. Mrs. JIMENEZ BUTRAGUEÑO supported the statement by Mr. Marchan Romero.

32. The CHAIRMAN accepted the amendment without reservation. In the English version the words "can be given greater substance" should be replaced by the word "can be implemented".

Paragraph 3

33. Mr. WIMER ZAMBRANO said that he found the second sentence in the Spanish text repetitive and unclear. The term disfrute was used twice, in contrast with the French version. He thought that the adjective pleno should be deleted in that sentence, and the words se logrará automática o inevitablemente gracias al disfrute should be replaced by the words sería la consecuencia directa (or: directa y automatica) de la evolución. The point at issue was not simply the protection of those rights but also the evolution of that protection.

34. The CHAIRMAN proposed replacing the words "will flow automatically or inevitably from" by the words "will be a direct consequence of" or "will result inevitably from" in the English version.

35. After an exchange of views with the CHAIRMAN, Mr. WIMER ZAMBRANO offered to submit in writing a formulation that would make the sentence more forceful.

Paragraph 4

36. Mr. MARCHAN ROMERO proposed inserting the words "or the restoration" after the words "the introduction" in the fourth line.

37. Mrs. JIMENEZ BUTRAGUEÑO supported the proposal made by Mr. Marchan Romero. She also proposed inserting the words "and implemented" after the words "be devised" in the same paragraph.

38. The CHAIRMAN agreed to both proposed amendments.

Paragraph 5

39. Mr. WIMER ZAMBRANO proposed replacing the words no realización - which were a euphemism - by the stronger word violación in the fourth line of the paragraph.

40. The CHAIRMAN agreed with that amendment. In the English version the word would be replaced by the word "breaches".

41. Mr. MARCHAN ROMERO proposed replacing, in the second line, the word "Governments" by the words "States parties". Legally, the commitments contained in the Covenants were incumbent not upon Governments but upon the States parties which had acceded to the Covenants.

42. Mrs. JIMENEZ BUTRAGUEÑO said that she would be inclined to make the point clearer by saying "the States parties to the conventions or treaties". Governments might change but the States parties continued to be committed.

43. The CHAIRMAN asked the members of the Committee to think about the following question: was the Committee talking about economic, social and cultural rights in general throughout the world or about economic, social and cultural rights in the States parties to the International Covenant on Economic, Social and Cultural Rights? He considered that the Universal Declaration of Human Rights, which contained a comprehensive range of economic, social and cultural rights, could serve as a basis for drawing the attention of all States to the fact that numerous States did not treat economic, social and cultural rights as rights. If, however, the Committee preferred to take a narrower approach and confine its criticism to the States parties to the Covenant, he would have no objection. He recalled, however, that the Committee was the only entity that defended economic, social and cultural rights in the international community and it therefore had a responsibility that went beyond a strict interpretation of its terms of reference.

44. One solution would be to replace the word "Governments" by the phrase "States Members of the United Nations" in the second line.

45. Mr. TEXIER said that, like the Chairman, he would prefer not to restrict the scope of the Committee's statement.

46. Mr. MARCHAN ROMERO stressed the fact that States, not Governments, had the obligation to enforce rights. He therefore requested that the word "Governments" should be replaced by the word "States" (not "States parties").

47. The CHAIRMAN accepted that amendment.

Paragraph 6

48. Mrs. JIMENEZ BUTRAGUEÑO wondered whether, in view of the current situation in Yugoslavia, the words "refugees, immigrants and other disadvantaged and vulnerable groups" should not be inserted in the second sentence after "disabled". She also proposed that the term discapacitados should be replaced by minusválidos in the Spanish-language version.

49. Mrs. BONOAN-DANDAN said that although she appreciated the concerns of Mrs. Jimenez Butragueño, she feared that if the Committee added "refugees and immigrants" to the list of groups that suffered discrimination, it might give the impression that other groups, such as indigenous populations, for example, which were not mentioned, were less important.

50. Mr. WIMER ZAMBRANO said that while he also understood the remark by Mrs. Jimenez Butragueño, he thought that it was impossible to draw up an exhaustive list of the more vulnerable groups. He proposed the adoption of a formulation which would encompass all groups without naming them, for instance "other less protected and more vulnerable groups".

51. Mr. TEXIER wondered whether the Committee might not draw directly on article 2 (2) of the Covenant and speak of discrimination "as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". In that way the Committee would not need to mention specifically the various categories of more vulnerable people and the reference to the Covenant would give greater weight to that part of the statement.

52. Mrs. JIMENEZ BUTRAGUEÑO supported Mr. Texier's proposal, while stressing that the Covenant made no reference to discrimination as to age. She pointed out that two non-governmental organizations, one international and one national, the Association of Retirees of the United States of America, had complained that the United Nations tended to neglect the elderly. She therefore thought that group of persons should be mentioned.

53. The CHAIRMAN pointed out that if the Committee accepted the formulation proposed by Mr. Texier, it could not mention the elderly as it would once again be confronted with the problem raised by Mrs. Bonoan-Dandan. If it spoke of the elderly, why should it not refer to refugees, indigenous persons and other groups? Explaining why he had deliberately chosen the population groups mentioned in the paper, he pointed out that discrimination towards women was systematic in all societies and that the Committee should stress how much that situation disturbed it. The lot of the elderly had often been at the centre of the Committee's discussions, thanks to Mrs. Jimenez Butragueño. Finally, he recalled that the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights had specifically requested the Committee to concern itself particularly with the

problems encountered by the disabled. That being so, he considered that the wording proposed by Mr. Texier was not sufficiently forceful. He therefore proposed leaving the list as it was and inserting the words "vulnerable and disadvantaged" between "other" and "groups".

Paragraph 7

54. Mr. TEXIER proposed changing, in the first sentence of the paragraph, the word non-respect to violation, which he thought was more forceful and correct.

55. Mr. MRATCHKOV proposed that "economic and social rights" should be changed to read "economic, social and cultural rights" in the first sentence of the paragraph.

56. The CHAIRMAN said that the term "cultural" would be inserted systematically throughout the document.

57. Mr. SIMMA said that he would like the term "deprivation" to be kept in the English version. He pointed out that paragraph 7 dealt with statistical data and considered that "breach" was too legal a term, at least in English, to be used in that context.

58. Mr. WIMER ZAMBRANO considered that the word "violation" was clearer and more precise in French and Spanish and would like, if possible, the English text not to depart from the other versions.

59. The CHAIRMAN proposed the formulation "extent of deprivation, or breaches, ...".

60. Mr. WIMER ZAMBRANO said that the emphasis should be laid not on statistical data but on economic, social and cultural rights.

61. Mr. SIMMA considered for his part that statistical data constituted the main feature of the paragraph since it sought to stress figures or percentages rather than actual violations.

62. The CHAIRMAN, after asking Mr. Texier whether he maintained his proposal, noted that the Committee did not wish to amend the first sentence in the paragraph.

63. Mr. SIMMA inquired whether the expression "compassion fatigue" in the English text was a technical expression as he had never heard it.

64. The CHAIRMAN explained that the expression was well known and had originally been used for refugees but was now used more commonly for various social groups.

Paragraph 8

65. Mr. MARCHAN ROMERO proposed changing in the Spanish text the word contraproducente at the end of the paragraph to autodestructiva or autoderrotista which were much clearer and closer to the term used in the English version.

66. The CHAIRMAN reminded the Committee that the Spanish-language experts would be invited to indicate any amendments of form which they wished to be made to the Spanish version to bring it closer into line with the English.

67. Mrs. JIMENEZ BUTRAGUEÑO thought that the term "proponents" in the second sentence of the paragraph was not sufficiently precise as the reader did not know whether it alluded to individuals or countries. She therefore proposed amending the sentence by saying, for example: "Yet, countries that claim to be proponents of human rights continue to exclude completely economic, social and cultural rights from their concerns".

68. The CHAIRMAN proposed saying: "staunch human rights proponents - individuals, groups or Governments - ...", so as not to limit the term "proponents" to Governments.

69. Mrs. BONOAN-DANDAN proposed deleting "in addition" in the last sentence of the paragraph to make it more forceful.

Paragraph 9

70. Mr. SPARSIS proposed inserting "and peace" after "stability" in the first line of the paragraph.

71. Mr. MRATCHKOV wondered whether the words "economic refugees" should not be replaced by "economic migrants" in the last sentence of the paragraph.

72. The CHAIRMAN considered that the expression "economic migrants" was redundant since most migrants left their country for economic reasons. He proposed rewording the sentence to read: "... of refugees, migrants and so-called economic refugees ...".

73. Mr. TEXIER said that he would prefer the Committee not to use the expression "economic refugees" since it was meaningless. He would prefer to speak on one hand of refugees within the meaning of the Convention relating to the Status of Refugees and on the other of economic migrants.

74. The CHAIRMAN explained that he had decided to use the expression "so-called 'economic refugees'" to stress that those refugees were in the majority and to impress upon the western States, which tended to reject them, that the situation could only deteriorate if they did not take account of their economic and social rights. He recognized that at a purely technical level, that category of refugee did not exist and that was why he had put the term in quotation marks. He considered, however, that the paragraph would have less impact if the reference was deleted.

75. Mr. KOUZNETSOV said that he favoured the retention of the expression "so-called 'economic refugees'". He pointed out that the fact of using quotation marks and the term "so-called" clearly showed that the expression was not defined in the Convention relating to the Status of Refugees, but that it reflected a fact of contemporary life.

76. Mr. TEXIER, while agreeing to the use of the expression "so-called 'economic refugees'", explained that he did not wish the Committee to ratify that category of refugee because contemporary liberal Europe willingly accepted refugees with a certain profile (white, rich, healthy and coming if possible from eastern Europe), but tended to reject genuine refugees, namely, those who corresponded to the definition given in the Convention relating to the Status of Refugees and whose economic and political motives were often closely linked.

Paragraph 10

77. Mr. FOFANA wondered whether, in the first line of the quotation from the Secretary-General, indissolubles should not be changed to indissociables in the French version.

78. The CHAIRMAN said that the translation of the quotation would be checked.

79. Mr. SPARSIS thought that paragraph 10 should be linked up with paragraph 9.

Paragraph 11

80. Mr. MARCHAN ROMERO proposed changing "obligation" to "necessity" in the first sentence of the paragraph.

81. Mrs. JIMENEZ BUTRAGUEÑO said that she would like to replace, in the Spanish version, the term redes in the third and fifth sentences by another word such as, for instance, systemas. She also thought that the word "social" should be inserted before "safety nets" in the last sentence in order to avoid any confusion.

Paragraph 12

82. Mr. WIMER ZAMBRANO considered paragraph 12 to be redundant and proposed its deletion. He commented that it was pointless to say that a Western-style welfare State or even an extensive public sector was not required. Everyone was aware that any curtailment of the State's sphere of action was at the expense of the workers and that whenever the State gave up some of its political and economic power the outcome was a setback for social protection. For that reason, he considered that it was not appropriate to defend the free market when it was common knowledge that neo-liberalism did not concern itself with the protection of economic and social rights. In his view, the paragraph added nothing to the current store of knowledge.

83. Mr. SPARSIS also thought that the paragraph, which added nothing of substance and which could be misinterpreted at the national level, should be deleted.

84. Mr. SIMMA said that anyone who followed the work of the Committee would soon realize that it expected States to have a strong public sector. He therefore supported Mr. Wimer Zambrano's proposal.

85. The CHAIRMAN accepted the proposal to delete paragraph 12.

Paragraph 13

86. Mr. MRATCHKOV proposed the insertion, in the second line of the paragraph, after "developing countries" the words "and the countries of central Europe and eastern Europe". He considered that the particular situation prevailing in those countries deserved special mention. Moreover, he pointed out that the formulation at the end of the first sentence in the paragraph should be "economic, social and cultural rights".

87. The CHAIRMAN considered that Mr. Mratchkov's proposal was justified from the viewpoint of substance, but proposed instead "and other countries in transition".

Paragraph 14

88. Mrs. JIMENEZ BUTRAGUEÑO said that the word "cultural" should be inserted in the third sentence of the paragraph. She also proposed changing the order of indicators of violations of rights in the fourth sentence. She considered that "a significant incidence of hunger or malnutrition" should appear before "large-scale homelessness". Those problems should be listed according to their gravity.

89. Mr. SIMMA proposed deleting the words per se appearing at the end of the paragraph.

90. Mr. SPARSIS proposed inserting the words "mass unemployment" in the list of indicators of violations of rights. Mass unemployment was an important problem which should not be disregarded.

91. The CHAIRMAN unreservedly accepted the amendments proposed by members of the Committee.

Paragraph 15

92. Mr. MARCHAN ROMERO considered that the last sentence in the paragraph might give the impression that the Committee found it normal that the rights covered in the Covenant could not be enjoyed at the present time. He therefore proposed changing that part of the last sentence to read el goce progresivo y amplio de estos derechos.

93. The CHAIRMAN subscribed to the proposal by Mr. Marchan Romero but instead proposed incorporating the wording of article 2 of the Covenant and therefore replacing "in order to enhance the prospect that these rights will come to be more widely enjoyed in the years ahead" by "with a view to achieving progressively the full realization of the rights recognized in the Covenant".

94. Mr. TEXIER detected a contradiction between the first sentence in the paragraph and what had been said earlier. The overall tone of the draft was somewhat pessimistic whereas the first sentence in the paragraph was relatively optimistic. He therefore proposed that the sentence should be either moved to the end of the draft or toned down.

95. The CHAIRMAN said that the sentence was of a diplomatic character but he fully supported Mr. Texier's comment and proposed that the sentence should be deleted without further ado.

96. Mr. SIMMA proposed that "very many steps" in the English text should be changed to "many specific steps".

Paragraph 16

97. Mr. SIMMA proposed inserting the words "on accession" at the end of the second sentence of the paragraph. Along the same lines, he proposed changing, in the last sentence, the words "have ratified one of the International Covenants, but not the other" to "become a party only to one of the International Covenants". Finally, in the same sentence, he proposed changing "the basic notion of the interdependence" to "the basic interdependence".

98. The CHAIRMAN said that he fully agreed with Mr. Simma's proposals.

Paragraph 17

99. Mr. SIMMA considered that the English version did not make it sufficiently clear that it was Governments that were required to set standards and not the Committee or other institutions. He therefore proposed inserting the phrase "by the Governments" after the word "establishment" in the second sentence of the paragraph.

Paragraph 18

100. Mr. SIMMA said that in the English version of the text, the word "attention" should be inserted after the word "insufficient" in the last sentence of the paragraph.

Paragraph 19

101. Mr. SIMMA, supported by Mrs. JIMENEZ BUTRAGUEÑO considered that a more detailed reference should be made to the Optional Protocol. He therefore proposed the insertion of a few lines describing the main elements of the Committee's project.

102. The CHAIRMAN agreed entirely with that proposal and said that he would draft two or three additional sentences on the subject.

103. Mr. WIMER ZAMBRANO thought that the Committee should be somewhat more modest and proposed the deletion of "the full range of" in the last sentence of the paragraph.

104. The CHAIRMAN considered the comment to be justified but suggested instead "the economic, social and cultural rights recognized in the Covenant".

Paragraph 20

105. Mr. MARCHAN ROMERO supported by Mr. WIMER ZAMBRANO, proposed replacing the word "tangible" by the word "evident" in the second sentence of the paragraph.

106. Mr. SIMMA thought that the second sentence placed undue stress on the obligation of States to report to the Committee. It seemed to imply that the other obligations stemming from the Covenant were not as tangible or evident. It was, of course, important for the Committee to receive reports from States parties, but the overriding impression was too often that States considered that the implementation of the Covenant merely involved sending a delegation to Geneva and submitting a report to the Committee. He therefore proposed that the expression "the single most tangible of the obligations" should be replaced by "one of the procedural obligations".

107. The CHAIRMAN considered that Mr. Simma's comment was entirely justified and proposed replacing the expression "a breach of the single most tangible of the obligations" by "a breach of an important obligation".

108. Mr. TEXIER also considered that the Committee had an obligation to give more importance to the effective realization of the rights set out in the Covenant than to the reporting obligation of States parties. He therefore proposed that the paragraph should be moved so as to avoid a situation whereby the statement concluded with the reporting obligation.

109. The CHAIRMAN said that he agreed with Mr. Texier and proposed, consequently, to reverse the order of paragraphs 19 and 20.

110. He said that if there were no objections, he would take it that the Committee adopted the draft statement for submission to the World Conference on Human Rights, as amended.

111. It was so decided.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT (agenda item 5) (continued)

Hungary (E/1990/7/Add.10, E/C.12/WG/1992/CRP.1/Rev.1 and E/C.12/1992/WP.12) (continued)

112. The CHAIRMAN proposed that the members of the Committee should study the draft concluding observations on the second periodic report of Hungary on the rights covered in articles 13 to 15 of the Covenant (E/C.12/1992/WP.12).

113. Mr. SIMMA considered the first paragraph of the document to be somewhat unfair to Hungary. The Hungarian delegation had, in fact, submitted detailed information to the Committee.

114. The CHAIRMAN pointed out that that point was covered in the general comments. He proposed that the Committee should conclude its consideration of the paper at a later stage.

115. It was so decided.

The meeting rose at 6.55 p.m.